

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1c and 1d. Approval by the Examiner is respectfully requested. Once the Examiner's approval is received, a complete set of formal drawings will be submitted by Letter of the Draftsperson.

Attachment: Annotated Sheet Showing Changes

REMARKS

The Office Action dated November 16, 2004 has been received and reviewed by the applicant. Claims 6-10 are in the application. Claims 6-10 stand rejected. Claim 6 is amended for clarity. Reconsideration is respectfully requested.

The Examiner is thanked for the approval of Figures 1a and 1b. The objection to Figures 1c and 1d is maintained. Figures 1c and 1d should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. In this regard, a proposed drawing change is included herewith for the Examiner's approval.

Claims 6 and 8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pourjavid (U.S. Pat. No. 6,529,622). The rejection is not repeated herein for brevity; however, the most pertinent portion states that Pourjavid discloses "(b) determining one or more substantially maximum and minimum values at the same pixel location in the two or more images" at "col. 4, lines 42-54."

First, it noted that a rejection under 102 requires each and every element to be in one reference. In response, claim 6 is amended. In this regard, claim 6 is amended to include "determining one or more substantially maximum and minimum *pixel values* at the same pixel location in the two or more images." In contrast, Pourjavid discloses computing a "standard deviation" at column 4, lines 42-45. It is noted that this requires twice the time as required for a "pixel value" as in the claimed invention. Pourjavid states at column 4, lines 42-45:

The particular upper and lower threshold values used in this step may be set based upon the desire tolerance for the particular detected, such as several standard deviations. The upper standard deviation threshold represents the maximum allowable deviation above the pixel mean level, while the lower threshold represents the maximal allowable deviation below the mean pixel level.

It is further noted that the teachings of Pourjavid, as illustrated in the above-cited quote, are for "noisy pixels." It states at column 4, line 38-39 (just prior to the above-cited passage) that "at step 50, 'noisy' pixels, or pixels producing inconsistent output signals, as flagged as follows." This is entirely different from determining a "hopping" pixel as in the claimed invention. Hopping pixel of the claimed invention is defined on page 1, lines 12-13. There it states "a hopping pixel is defined as a pixel whose dark signal level varies beyond the random noise

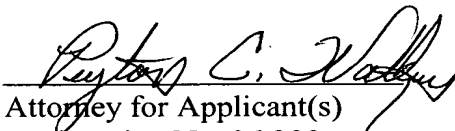
along with time.” In addition, a declaration is included herewith for distinguishing a hopping pixel from a noisy pixel.

In light of the above, it is respectfully submitted that Pourjavid does not teach or suggest the claimed invention. Therefore, it is respectfully submitted that the rejection be withdrawn.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

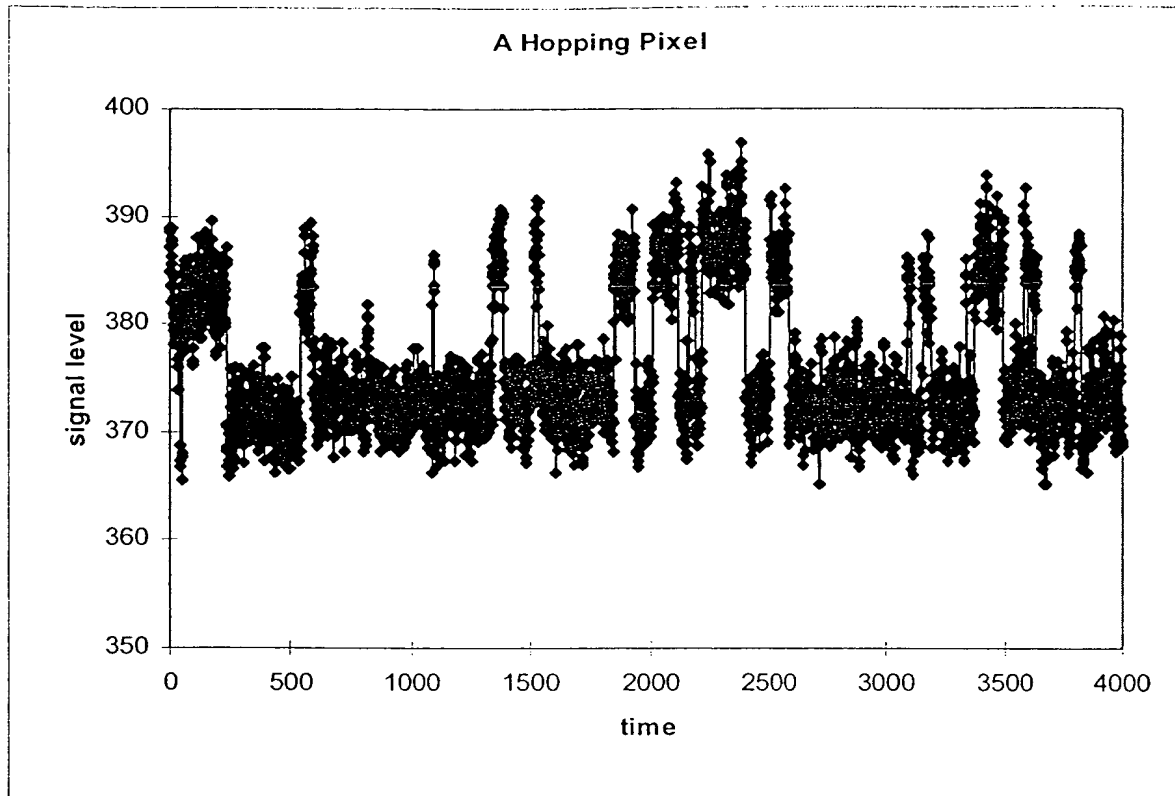


FIG. 1c

Prior Art

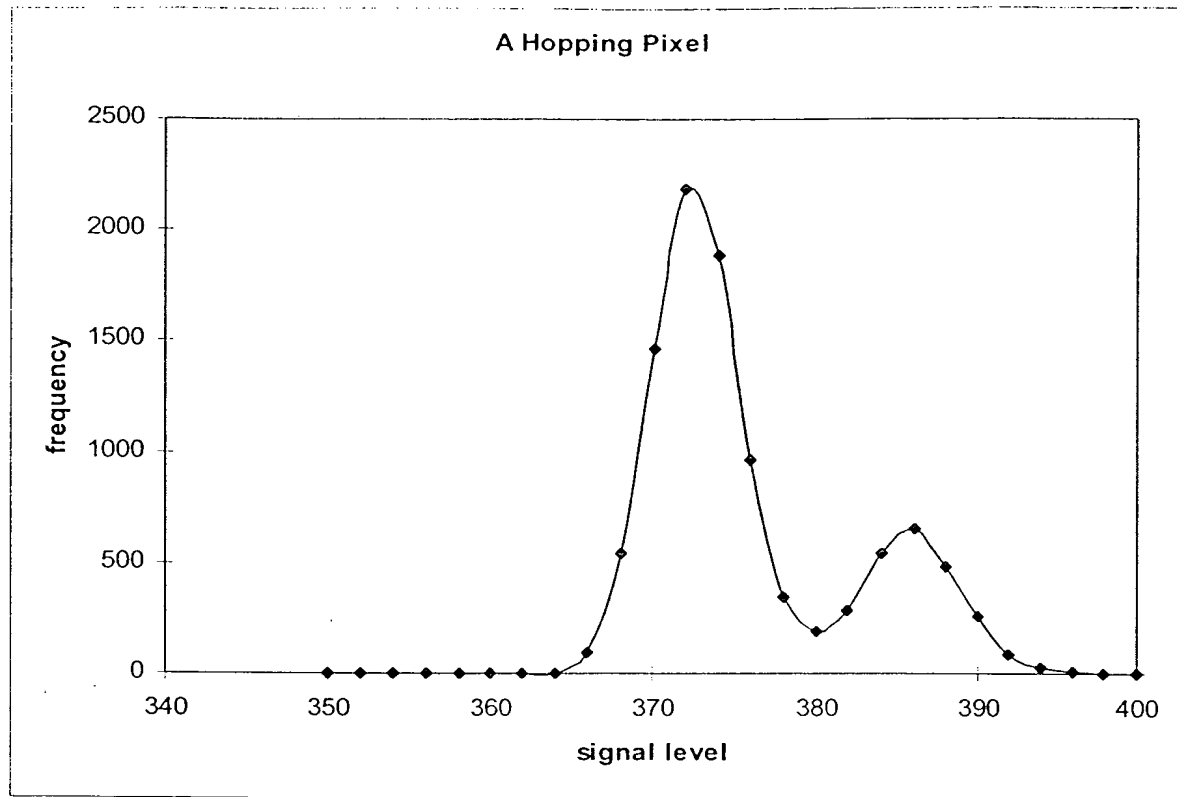


FIG. 1d

Prior Art